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DATE



Department of Energy

ROCKY FLATS OFFICE
P.O. BOX 928
GOLDEN, COLORADO 80402-0928

MAR 16 1992

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92-DOE-3048

ROCKY FLATS PLANT
CORRESPONDENCE CONTROL

ACTION

DIST. LTR ENC

BENJAMIN, A.	
BERMAN, H.S.	
BRANCH, D.B.	
BURLINGAME, A.H.	
CARNIVAL, G.J.	
COPP, R.D.	
CROUCHER, D.W.	
DAVIS, J.G.	
EVERED, J.E.	X
FERRERA, D.W.	
GOODWIN, R.	
HANNI, B.J.	
HEALY, T.J.	
HILBIG, J.G.	
IDEKER, E.H.	
KERSH, J.M.	X
KIRBY, W.A.	
KRIEG, D.	
KUESTER, A.W.	
LEE, E.M.	
MAJESTIC, J.R.	
MARX, G.E.	
MORGAN, R.V.	
PIZZUTO, V.M.	
POTTER, G.L.	
SANDLIN, N.B.	
SHEPLER, R.L.	
SULLIVAN, M.T.	
SWANSON, E.R.	
TALLMAN, K.G.	
WILSON, J.M.	
WILSON, J.M.	
YOUNG, E.R.	
ZANE, J.O.	

NESTER, S.	X
ELONG, R.	X
STEVENS, B.	X
LEE, C.	X
WILSON, J.M.	X
BURKE, P.	X
HUTCHESON, P.	X

CORRESPONDENCE CONTROL	X
TRAFFIC	X

Reviewed for Addressee
Corres. Control RFP

3-18-92 CM

DATE BY

Ltr. #

Mr. LeRoy Carlson
U.S. Fish & Wildlife Service
Colorado State Office
Golden Field Office
730 Simms Street
Golden, CO 80401

Dear Mr. Carlson:

We have completed the preliminary habitat survey at the Rocky Flats Plant (RFP) for the Ute ladies' tresses (*Spiranthes diluvialis*) at the OU 1 French drain, South Interceptor Ditch (SID) and the OU 4 interim measure locations. The habitat survey was carried out by David L. Buckner who was recommended by the FWS Colorado state office as an expert on this species. A copy of the habitat survey results is attached.

Since the ground scraping and trenching activities for the OU 1 French drain have been initiated, all habitat potentially suitable for the Ute ladies' tresses has been destroyed in this area. Of special note is the small (approximately 400 square meters) habitat group consisting of cottonwood trees and associated wetland. DOE proposes to enter Section 7 (a) (1) consultation with the U.S. Fish and Wildlife Service (FWS) per the Endangered Species Act (ESA) and will prepare a mitigation plan for the Ute ladies' tresses making the assumption that the plant was present in this area. Note that this is, in effect, a "may effect" determination. This mitigation will be combined with that we have already agreed to per the Migratory Bird Treaty Act (MBTA) and Fish and Wildlife Coordination Act (FWCA).

There are two planned activities for the SID which include burning existing vegetation and dredging/excavation of sediments. With regard to burning, Mr. Buckner indicates that the likelihood is very low for possible injury to the plant if present. However, we request that you confer with your botanist and other experts on the Ute ladies' tresses for confirmation. If these individuals agree with Mr. Buckner's assessment, DOE proposes to conduct the burn as soon as possible in order to minimize potential impacts to migratory birds. In addition, we request that you notify Bruce Thatcher of my staff at 966-3532 by phone as soon as you are able to approve the burn so that we can make the necessary preparations.

Two options exist regarding the dredging/excavation of sediments. The first is a Section 7 (a) (1) consultation under the ESA where DOE would be responsible performing mitigation for the Ute ladies' tresses assuming that the plant is present along the SID. This would enable us to proceed with dredging/excavation. The second option would be to wait until late July or early August of 1992 to conduct a presence/absence survey for the plant. If the results of the survey are negative, DOE would make a "no effect" determination and secure FWS concurrence. If the results are positive, we would enter Section 7 (a) (2) consultation with FWS and propose to transplant the plant to a suitable habitat on or off the RFP. A component of this option would be to have an expert on the Ute ladies' tresses perform a detailed habitat survey along the SID and identify on a map potentially suitable habitat locations for the plant. The results of this survey would be submitted to FWS along with proposed dredging/excavation sites where activities could be initiated

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prior to conducting the presence/absence survey. We propose to enter Section 7 (a) (1) consultation with the FWS for the dredging/excavation resulting from a "may effect" determination for the Ute ladies' tresses. Mitigation for the SID will be combined with that proposed for the OU 1 French drain. Should this option prove to be infeasible, our fallback would be to conduct a habitat survey in the Spring and a presence/absence survey in late July or early August of 1992. We request that you determine whether a Section 7 (a) (1) survey is feasible and, if so, provide DOE with additional guidance on how to proceed.

The habitat survey for the OU 4 interim measure indicates that the habitat present at this site has no possibility for the occurrence of the Ute ladies' tresses. Thus, DOE proposes a "no effect" determination under the ESA for the Ute ladies' tresses. However, note that we will be entering informal ESA consultation for this project regarding potential impact on the Platte River drainage basin and consultation per the FWCA and MBTA. Since construction at this site is scheduled to begin in early April 1992, we will be submitting reports to FWS for ESA consultation and FWCA/MBTA consultation very soon.

Questions or concerns regarding this letter and attachment should be directed to Bruce Thatcher of my staff.

Sincerely,


James K. Hartman
Acting Assistant Manager
for Environmental Management

Enclosure

cc w/Enclosure:

A. Rampertaap, EM-453
M. Hestmark, EPA
G. Baughman, CDH

cc w/o Enclosure:

F. Lockhart, ERD, RFO
R. Schassburger, ERD, RFO
B. Thatcher, ERD, RFO
S. Grace, ERD, RFO
J. Pepe, ERD, RFO
B. Lewis, ERD, RFO
M. Van Der Puy, EMB, RFO
G. Hill, EMB, RFO
J. Kersh, EG&G
S. Nestz, EG&G
R. Flory, EG&G
B. Stevens, EG&G
C. Gee, EG&G
B. Peterman, EG&G
D. Weber, CDOW